

REMARKS

Claims 1-7, 11, 13-16 and 19 are pending in the present application. Claims 10, 11, 13-16 and 19 are allowable. Claim 1 has been amended. Basis for the amendments can be found throughout the specification, drawings and claims as originally filed.

CLAIM REJECTIONS UNDER 35 U.S.C. §103

The Examiner has rejected Claims 1, 7 and 8 under 35 U.S.C. §103(a) alleging them to be unpatentable over Chiu in view of Fantastic Vent Model 4000R brochure further in view of Milks' earlier patent (U.S. Patent No. 4,633,769) and also in view of Kottmann (U.S. Patent No. 3,030,145) and McAvena (U.S. Patent No. 5,095,612).

Claim 1 defines a circulation device which includes a self standing housing and an electrical connection coupled with the motor. A rigid casing seals the motor and associated motor bearings. The rigid casing provides protection against damage from external forces. Also, the rigid casing creates a liquid impermeable seal to enable the air circulation device to be subjected to highly pressurized liquids for cleaning the fan blades while preventing corrosion and preventing damage due to the liquid. The casing covers the motor and has a thickness around one inch to provide a low profile motor assembly.

The Examiner first starts with the Chiu reference. The Examiner indicates on page 3 of his response that Chiu fails to disclose seven features of Applicant's claim. The seven features are (1) low profile motor with a thickness around one inch; (2) motor sealed against highly pressure fluids; (3) the bearings sealed against high pressure fluids; (4) the motor is a 12 volt motor; (5) the device excluding the motor and

associated casing is made of a polymeric material; (6) the housing has a thickness of about three inches; and (7) an electrical connection coupled with the motor.

The Examiner alleges that the 4000R discloses a device that teaches a thin profile motor. While the brochure is of Applicant's own device, which clearly does not illustrate a low profile motor, it also includes a cover. The cover retracts when rain is sensed by the fan. Thus, the 4000R brochure, as well as the '769 patent, teach away from a rigid casing which seals the motor bearing and provides protection against damage from external forces as well as the casing creating an liquid impermeable seal enabling the air circulation device to be subjected to highly pressurized liquids.

The Examiner next cites Kottmann which illustrates a seat warmer that can be connected to a vehicle. After that, the Examiner cites McAvena and alleges that McAvena illustrates a motor sealed against high pressure environments.

The McAvena reference cited by the Examiner illustrates that a conventional electric motor can be taken apart and coated with an epoxy. The epoxy coating surrounds each part in order to provide a water resistant motor. McAvena does not illustrate any type of rigid casing which is positioned about the motor and the bearings as claimed by Applicant. McAvena illustrates opening the motor, coating it, and then closing the motor. McAvena has no bearing on Applicant's claims whatsoever. McAvena does not provide any type of casing as claimed by Applicant to provide the liquid impermeable feature. Accordingly, McAvena, in combination with the other five references, does not illustrate Applicant's independent claim.

Accordingly, Applicant believes Claim 1 to be patentably distinct over the art cited by the Examiner.

The Examiner's 35 U.S.C. §103(a) rejection is improper in view of KSR v. Telefax. The Supreme Court in KSR International Co. v. Teleflex Inc., 550 US ____, 2007 stated:

Although common sense directs one to look with care at a patent application that claims as innovation the combination of two known devices according to their established functions, it can be important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in a way that the claimed new invention does. This is so because inventions and most, if not all, instances rely upon building blocks long since undiscovered, and claimed discoveries almost of necessity will be a combination of what, in some sense, is already known.

Here, the Examiner has failed to provide any reason why one would be prompted to combine the references as cited by the Examiner.

The Supreme Court went on to say that:

Often, it will be necessary for a court to look to interrelated teachings of multiple patents; the effects of demands known to the design community or present in the marketplace; and the background knowledge possessed by a person having ordinary skill in the art, all in order to determine whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue. To facilitate review, this analysis should be made explicit. See, In re Kahn, 441 F.3d. 977 at 988 (CA Fed. 2006) ("[R]ejections on obvious grounds cannot be sustained by mere conclusory statements; instead, these must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness"). As our precedents make clear, however, the analysis need not seek out precise teachings directed to the specific subject matter of the challenged claim, for a court can take account of the inferences and creative steps that a person of ordinary skill in the art would employ.

Here, the Examiner has failed to provide any explicit reasoning as to why one skilled in the art would combine the references as suggested by the Examiner. The Examiner has only given conclusory statements that these features would be combined together. There is no explicit teaching with a rational underpinning as to why one skilled

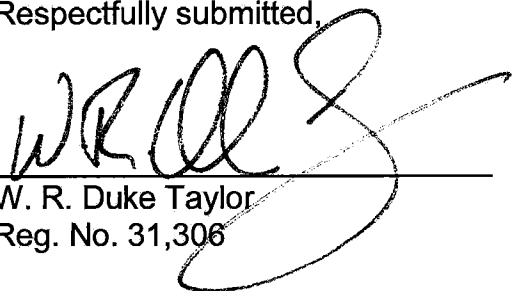
in the art would combine these references. Accordingly, the Examiner has misrepresented the Supreme Court's interpretation of 35 U.S.C. §103(a) combination. Thus, the Examiner's combination rejection cannot stand. Applicant believes Claim 1, as well as dependent Claims 5 and 7-9, to be patentably distinct over the art cited by the Examiner.

In light of the above amendments and remarks, Applicant submits that all pending claims are in condition for allowance. Accordingly, Applicant respectfully requests the Examiner to pass the case to issue at his earliest possible convenience. Should the Examiner have any questions regarding the present application, he should not hesitate to contact the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: November 20, 2007

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